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REMARKS

Claims 1, 12, and 14 are pending after this amendment cancels claims 3, 4, 11, and 13. Applicants amend claims 1, 12, and 14 for clarification. No new matter is added by the amendments, which are supported throughout the specification and figures. In particular, the amendments are supported at least in the specification at page 13, lines 4-16 and lines 16-19; page 13, line 20, to page 14, line 3; page 15, line 16, to page 16, line 18; and figures 5, 6, and 9-14. In view of the amendments and the following remarks, reconsideration and allowance of the present application are respectfully requested.

Applicants submitted a claim for foreign priority under 35 U.S.C. § 119 from Japanese Patent Application No. 2001-003984 (filed January 11, 2001), and a certified copy of the foreign priority application. Applicants respectfully request that the Examiner properly acknowledge receipt of *all* certified copies of priority documents for this application, as shown on line 12a of the Office Action summary form.

Applicants further request that the Examiner indicate acceptance of the drawings.

Claims 1, 12, and 14 (claims 3, 4, 11, and 13 having been canceled) stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,512,761 to Schuster et al. in view of U.S. Patent No. 7,039,802 to Eskicioglu et al. Applicants respectfully traverse.

Claim 1 relates to a communication system enabling communications between a subscriber and a station. The communication system of claim 1 includes, *inter alia*, a delivery device installed on a station side including, *inter alia*, *lost data extracting means for extracting lost data from the media stream content*. In claim 1, the *accounting control means calculates a charge based on the media quality information and pays back a proper amount of money to the subscriber, in cases where degradation of the media stream*. Furthermore, in amended claim

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1, *said lost data extracting means specifies lost part of media stream, based on the media quality information, an algorithm identifier and an initial value of the sequence number, and generates lost data information, and the algorithm identifier is an identifier indicative of a size in accordance with which the media stream is packetized, and the initial value of the sequence number denotes a sequence number assigned to a first packet obtained by packetizing the media stream.* The communication system of claim 1 further includes a terminal device installed on the subscriber side which includes, *inter alia*, media quality measurement control means for controlling measurement of media quality of the specified media stream, *performing media quality measurement control in which a loss of packet is detected by continuity of packets of the specified media stream*, generating the media quality information including a measurement result and transmitting the generated media quality information to the station, and *quality recovery means for receiving the lost data information and recovering quality of the media stream.*

The Examiner relies upon the technique for detecting jitter and delay in transmitted packets apparently discussed in Schuster et al. as alleged disclosure of the claimed invention. The cited portions of Schuster et al. apparently describe packet sequence number, time stamp and determining the order of transmitted packets. The Examiner also apparently relies upon Eskicioglu et al. as a combining reference that allegedly discloses the claimed authentication features.

However, Schuster does not disclose or suggest *specifying a lost part of the multimedia stream, based on the media quality information, an algorithm identifier and an initial value of the sequence number, and generating lost data information.* The sections of Schuster cited by the Examiner, namely col. 1, lines 1-13, merely explain that numerous mechanisms exist to

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correct for or respond to packet loss. There is no disclosure or suggestion of extracting lost packet in the media stream and generating lost data information. Therefore, for at least this reason, claim 1 is allowable.

Further, as regards claims 12 and 14, Schuster does not disclose *cumulating the degree of influence of propagation of error that occurred on either one of I picture, P picture and B picture earlier in time than a picture being replayed to calculate the degradation index.*

Therefore, for at least this reason, claims 12 and 14 are allowable.

The references, Schuster and Eskicioglu together each fail to teach and suggest features of the communication system of claims 1, 12 and 14, and therefore the combination of Schuster and Eskicioglu, the propriety of which is respectfully not conceded, fails to render claims 1, 12, and 14 unpatentable.

The above statements on the disclosure in the cited reference represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically indicate those portions of the reference that provide the basis for a view contrary to any of the above-stated opinions.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

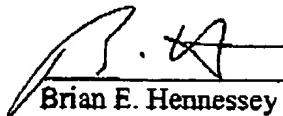
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Respectfully submitted,

  
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